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| 09/761,779 | 01/18/2001 | Kazuhiko Akasaka | 1086.1133 (JDH) | 5962 |
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| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER BATES, KEVIN T | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/761,779

Applicant(s)

AKASAKA ET AL.

Examiner

Kevin Bates

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 12-16, 20-25, 27-31 and 35-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12-16, 20-25, 27-31, and 35-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on September 18, 2007.

Claims 1, 12, 20, 27, 35, 50, 57, and 58 have been amended.

Claims 9, 11, 17-19, 26, and 32-34 have been cancelled.

Claims 59-63 has been newly added.

Claims 1-8, 10, 12-16, 20-25, 27-31, and 35-63 are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8, 10, 12-16, 20-25, 27-31, and 35-57 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims contain the limitation, provided upon a "physical connection" to the network. Upon examination of the drawings and the specification, there is no teaching or indication that there is any new physical connection to any network, thus this limitation is not supported by the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 12-16, 20-25, 27-31, and 35-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herr-Hoyman (5727156) in view of Freishtat (5945989).

Regarding claim 1, 12, 20, 27, 35, 42, 50 and 57, Herr-Hoyman teaches a network system constructed by a client and a server (Column 2, lines 12 – 15), comprising:

a set information obtaining unit which is provided for said client (Column 2, lines 15 – 20), issues a request to said server (Column 5, lines 36 – 41) by an information obtaining request using user identification information, including a user ID and a password (Column 5, lines 47 – 55), provided upon a physical connection to the network (*the web creation server gives the client the user ID, seen in Column 1, lines 39 – 41 and stores it as a local variable on the client, seen in Column 3, lines 31 – 33*), and sets the connection information which is received as its response (Column 3, lines 57 – 62; lines 34 – 42);

a transfer processing unit which is provided for said client, and upon transmitting operation conducted by specifying a file, activated said information obtaining unit, and transfers said file to said server (Column 9, lines 17 – 26).

Herr-Hoyman does not explicitly indicate connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 8, lines 13 – 20; lines 41 – 44).

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claims 2, 13, 21, 28, 36, 43, and 51, Herr-Hoyman teaches a network system according to claims 1, 12, 20, 27, 35, 42, and 50.

Herr-Hoyman does not explicitly indicate that said connection information is information which is used when a file is transferred from said client to said server, and said connection information includes a server name, an account, a password, a homepage address, and a homepage folder name.

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) and that said connection information is information which is used when a file is transferred from said client to said server, and said connection information includes a server name, an account, a password, a homepage address, and a homepage folder name (Column 7, line 61 – Column 8, line 12; Figure 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claims 5, 16, 31, and 46, Herr-Hoyman teaches that the client is a registered user of said server was recognized from a set mail address (Column 3, lines 31 – 44), said set information obtaining unit issues the information obtaining request using said user identification information (Column 3, lines 57 – 67).

Regarding claims 6, 22, 37, and 52, Herr-Hoymann teaches that said server provides an establishing service of a homepage and, when the information obtaining request from said client is received, said server performs an establishing process of the homepage by using said user identification information and, thereafter, transmits

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requested information to said client (Column 2, lines 25 – 42; Column 9, line 57 – Column 10, line 40).

Regarding claims 7, 23, 38, and 53, Herr-Hoyman teaches that the information obtaining request is received from said client, said server performs said establishing process in the case where a homepage corresponding to the user who is specified by said user identification information is not established yet (Column 3, lines 45 – 55; where the figure 3 flow chart is the initialization of the website/homepage).

Regarding claims 8, 24, 39, and 54, Herr-Hoyman teaches that said homepage establishing service is provided to the registered user (Column 3, lines 51 – 56; Column 9, lines 34 – 49).

Regarding claim 47, Herr-Hoyman teaches that a transfer processing unit which is provided for said client, and upon transmitting operation conducted by specifying a file, activated said information obtaining unit, and transfers said file to said server (Column 9, lines 17 – 26).

Herr-Hoyman does not explicitly indicate connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 8, lines 13 – 20; lines 41 – 44).

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection

information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claims 10, 25, 40, 48, and 55, Herr-Hoyman teaches that the obtaining request of said connection information and its response between said set information obtaining unit of said client and said connection information providing unit of said server are processed by a protocol having a security function (Column 4, lines 1 – 8).

Regarding claims 41, 49, and 56, Herr-Hoyman teaches that said user identification information is constructed by an account name and a password (Column 3, lines 31 – 44).

Regarding claims 3, 14, 29, and 44, Herr-Hoyman teaches a system according to claims, 1, 12, 27, and 42, wherein the website space is setup through an ISP which could dial-Up connections (Column 1, lines 9 – 23; Column 2, lines 11 - 15) and that the connection to the web creation server gives the client the user ID (Column 1, lines 39 – 41) and stores it as a local variable on the client (Column 3, lines 31 – 33).

Herr-Hoyman does not explicitly indicate that in the case where a connection to a network is a dial-up connection, said set information obtaining unit obtains the user identification information which is used for said information obtaining request from a setting input of the dial-up connection.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that if a user was interacting with an ISP that when the ISP needs to assign a unique name to a client that it can use the unique name the client uses to connect though a dialup connection (Column 1, lines 39 – 41).

Regarding claims 4, 15, 30, 45, Herr-Hoyman teaches that in the case where a connection to the network is other than said dial-up connection, said set information obtaining unit uses the user identification information which is inputted from the user for said information obtaining request (Column 3, lines 31 – 44).

Regarding claim 58, Herr-Hoyman teaches a method of publishing network content, the method comprising:

obtaining a user identification information comprising a user ID and a password from a user (Column 5, lines 47 – 55);

initiating a first network connection from a client, prior to the initialization of any other network connection and receiving from a server in response to the initiating of said first network connection (Column 5, lines 36 – 41; and

transferring a file through a connection created in response to a request to transfer the file, the request comprising the user identification information and the file (Column 9, lines 17 – 36).

Herr-Hoyman does not explicitly indicate connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 8, lines 13 – 20; lines 41 – 44).

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claims 59, 61, and 63, Herr-Hoyman teaches a transfer control method of a network system constructed by a client and a server (Column 2, lines 12 – 15) comprising:

establishing connection of a hypertext transfer protocol between the client and the server via the network upon transmitting operation carried out by designating a file

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to be disclosed in server's Web page by the client (Figure 3, S2 to S3; Column 3, lines 51 – 56);

transmitting from the client to the server a request for acquisition of connection information necessary for establishing connection of a file transfer protocol with user identification information including an account name and a password (Column 3, lines 51 – 56; Column 4, lines 18 – 34);

determining whether or not a Web page corresponding to said account name is open, when a user registration is confirmed by means of the account name and the password shown in said request for acquisition upon receipt of the request for acquisition of said connection information by the server from the client (Column 4, lines 18 – 34);

determining if there is a web site open for the account (Column 4, lines 17 – 34);

establishing connection of the file transfer protocol between the client and the server by setting a received connection information in the file transfer protocol upon receipt of the connection information by the client from said server (Column 7, lines 11 – 15);

transferring said open file designated by said transmitting operation from the client to the server in accordance with said file transfer protocol for which connection has been established (Column 9, lines 17 – 26); and

upon receipt of said open file by the server, storing the received open file in a folder corresponding to a Web page already open to permit opening of the Web page (Column 4, lines 36 – 44).

Herr-Hoyman does not explicitly indicate opening a Web page corresponding to said account name, and then, acquiring connection information necessary for establishing the file transfer protocol to a newly opened Web page;

transmitting said connection information acquired in said acquiring or said opening from the server to the client in accordance with said hypertext transfer protocol for which connection has been established.

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claims 60 and 62, Herr-Hoyman teaches a transfer control method of a client connected to a server via network, comprising:

establishing connection of a hypertext transfer protocol between the client and the server via the network upon transmitting operation carried out by designating a file

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to be disclosed in server's Web page by the client (Figure 3, S2 to S3; Column 3, lines 51 – 56);

transmitting from the client to the server a request for acquisition of connection information necessary for establishing connection of a file transfer protocol with user identification information including an account name and a password (Column 3, lines 51 – 56; Column 4, lines 18 – 34);

establishing connection of the file transfer protocol between the client and the server (Column 7, lines 11 – 15); and

transferring said open file designated by said transmitting operation from the client to the server in accordance with said file transfer protocol for which connection has been established to permit opening of the Web page (Column 9, lines 17 – 26).

Herr-Hoyman does not explicitly indicate opening a Web page corresponding to said account name, and then, acquiring connection information necessary for establishing the file transfer protocol to a newly opened Web page;

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection

information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Response to Arguments

Applicant's arguments filed September 18, 2007 have been fully considered but they are not persuasive.

Regarding claims 1-8, 10, 12-16, 20-25, 27-31, and 35-63, the applicant argues that the combination of Herr-Hoyman and Freishtat does teach performing the steps before making a physical connection to the network. As shown in Column 1, lines 39 – 41 and Column 3, lines 31 – 33, Herr-Hoyman discloses receiving user ID upon a connection to the network, then it uses that user ID to request the connection information. Any connection in the network can be considered a physical connection to the network because there must be physical hardware that allows communication between the devices thus the user ID is provided to the client upon a physical connection to the network.

Regarding claim 58, the argument is moot on the grounds of the new rejection.

Regarding claims 59-63, the applicant argues that the claims are distinguished from the prior art due to the fact the art does not teach a client receiving a connection. The examiner disagrees, the claims as cited do not contain the limitation of "receiving a connection" the claims are more towards receiving connection information that allows the client to setup the connection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

92 T BT

Kevin Bates
November 14, 2007



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